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PART 51. GENERAL PROVISIONS > **§ 333.5101. Definitions and principles of construction.**

Citation: **MCLS § 333.5101**

MCLS § 333.5101

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CHAPTER 333 HEALTH
PUBLIC HEALTH CODE

ARTICLE 5. PREVENTION AND CONTROL OF DISEASES, INFECTIONS, AND DISABILITIES

PART 51. GENERAL PROVISIONS

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MCLS § 333.5101 (2004)

MCL § 333.5101

§ 333.5101. Definitions and principles of construction.

Sec. 5101. (1) As used in this article:

(a) "Care" includes treatment, control, transportation, confinement, and isolation in a facility or other location.

(b) "Communicable disease" means an illness due to a specific infectious agent or its toxic products that results from transmission of that infectious agent or its products from a reservoir to a susceptible host, directly as from an infected individual or animal, or indirectly through the agency of an intermediate plant or animal host, vector, or the inanimate environment.

(c) "HIV" means human immunodeficiency virus.

(d) "HIV infection" or "HIV infected" means the status of an individual who has tested positive for HIV, as evidenced by either a double positive enzyme-linked immunosorbent assay test, combined with a positive western blot assay test, or a positive result under an HIV test that is considered reliable by the federal centers for disease control and is approved by the department.

(e) "Immunization" means the process of increasing an individual's immunity to a disease by use of a vaccine, antibody preparation, or other substance.

(f) "Infection" means the invasion of the body with microorganisms or parasites, whether or not the invasion results in detectable pathologic effects.

(g) "Serious communicable disease or infection" means a communicable disease or infection that is designated as serious by the department pursuant to this part. Serious communicable disease or infection includes, but is not limited to, HIV infection, acquired immunodeficiency syndrome, venereal disease, and tuberculosis.

(h) "Venereal disease" means syphilis, gonorrhea, chancroid, lymphogranuloma venereum, granuloma inguinale, and other sexually transmitted diseases which the department by rule may designate and require to be reported.

(2) In addition, article 1 contains general definitions and principles of construction

applicable to all articles in this code.

HISTORY: Act 368, 1978, p 865; eff September 30, 1978.

Pub Acts 1978, No. 368, § 5101, eff September 30, 1978; amended by Pub Acts 1988, No. 491, eff March 30, 1989 (see 1988 note below); 1994, No. 200, imd eff June 21, 1994.

NOTES:

Editor's notes:

Pub Acts 1988, No. 491, § 3, eff March 30, 1989, provides:

"Section 3. This amendatory act shall not take effect unless all of the following bills of the 84th Legislature are enacted into law:

"House Bill No. 4008 [which became Act No. 471 of 1988].

"House Bill No. 4103 [which became Act No. 489 of 1988].

"House Bill No. 5026 [which became Act No. 490 of 1988].

"House Bill No. 5189 [which became Act No. 488 of 1988]."

Effect of amendment notes:

The 1994 amendment in subsection (1) paragraph (b), substituted "that" for "which" and inserted "infectious" before "agent", and in subsection (1) paragraph (g), deleted "acquired immunodeficiency syndrome related complex," preceding "venereal disease".

LEXIS Publishing Michigan analytical references:

Michigan Law and Practice, Public Health and Welfare §§ 6, 9

ALR notes:

Regulation of business of tattooing, 81 ALR3d 1212.

Legal periodicals:

Clifton, et al., HIV-Related Laws in the Michigan Public Health Code: A Primer for the General Practitioner, 73 Mich B J 2:156 (1994).

CASE NOTES

Tuberculosis is a communicable disease as matter of fact as well as by declaration of law. Brink v Shepard (1921) 215 Mich 390, 184 NW 404, 18 ALR 116.

Pediculosis is a reportable disease; comment on duty of health officer in cases of pediculosis on children. Op Atty Gen, March 9, 1944, No. 0-1849.

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PART 51. GENERAL PROVISIONS > § 333.5101. Definitions and principles of construction.

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PART 52. HEALTH THREATS TO OTHERS > **§ 333.5201. Terms, general definitions, principles of construction.**

Citation: **mcl 333.2226**

Section: **MCLS § 333.5201**

MCLS § 333.5201

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CHAPTER 333 HEALTH
PUBLIC HEALTH CODE
ARTICLE 5. PREVENTION AND CONTROL OF DISEASES, INFECTIONS, AND DISABILITIES
PART 52. HEALTH THREATS TO OTHERS

◆ **GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION**

MCLS § 333.5201 (2004)

MCL § 333.5201

§ 333.5201. Terms, general definitions, principles of construction.

Sec. 5201. (1) As used in this part:

(a) "Carrier" means an individual who serves as a potential source of infection and who harbors or who the department reasonably believes to harbor a specific infectious agent or a serious communicable disease or infection, whether or not there is present discernible disease.

(b) "Health threat to others" means that an individual who is a carrier has demonstrated an inability or unwillingness to conduct himself or herself in such a manner as to not place others at risk of exposure to a serious communicable disease or infection. Health threat to others includes, but is not limited to, 1 or more of the following:

(i) Behavior by the carrier that has been demonstrated epidemiologically to transmit, or that evidences a careless disregard for transmission of, a serious communicable disease or infection to others.

(ii) A substantial likelihood that the carrier will transmit a serious communicable disease or infection to others, as evidenced by the carrier's past behavior or statements made by the carrier that are credible indicators of the carrier's intention to do so.

(iii) Affirmative misrepresentation by the carrier of his or her status as a carrier before engaging in behavior that has been demonstrated epidemiologically to transmit the serious communicable disease or infection.

(2) In addition, article 1 contains general definitions and principles of construction applicable to all articles in this code and part 51 contains definitions applicable to this part.

HISTORY: Act 368, 1978, p 865; eff September 30, 1978.

Pub Acts 1978, No. 368, § 5201, eff September 30, 1978; amended by Pub Acts 1988, No. 490, eff March 30, 1989 (see 1988 note below).

NOTES:

Editor's notes:

Pub Acts 1988, No. 490, § 2, eff March 30, 1989, provides:

"Section 2. This amendatory act shall not take effect unless all of the following bills of the 84th Legislature are enacted into law:

"House Bill No. 4008 [which became Act No. 471 of 1988].

"House Bill No. 4103 [which became Act No. 489 of 1988].

"House Bill No. 5189 [which became Act No. 488 of 1988].

"Senate Bill No. 1041 [which became Act No. 491 of 1988]."

Statutory references:

Part 51, above referred to, is § 333.5101 .

LEXIS Publishing Michigan analytical references:

Michigan Law and Practice, Public Health and Welfare §§ 6, 9

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PART 52. HEALTH THREATS TO OTHERS > § 333.5201. **Terms, general definitions, principles of construction.**

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